

ENTERED

July 15, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

QUENTIN G. WARD,

Plaintiff,

VS.

CAROLYN W. COLVIN,

Defendant.

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CIVIL ACTION NO. 3:15-CV-95

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Pending before the Court are the Objections filed by Plaintiff, Quentin G. Ward (Dkt. 14), to the Report and Recommendation of United States Magistrate Judge John R. Froeschner. (Dkt. 13). This case was referred to Judge Froeschner pursuant to 28 U.S.C. § 636(b)(1)(B). Pending before Judge Froeschner were the cross-motions for summary judgment of both Plaintiff and Defendant.

On February 29, 2016, Judge Froeschner filed a Report and Recommendation, recommending that the Plaintiff's motion for summary judgment be denied and the Defendant's Motion for Summary Judgment be granted, and this case be dismissed. (Dkt. 13). Plaintiff filed his objections to the Magistrate Judge's Report and Recommendation on March 9, 2016. (Dkt. 14).

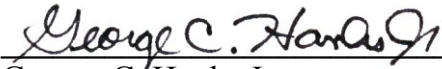
In accordance with 28 U.S.C. § 636(b)(1), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." In this regard, the Court is permitted to "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3). The Court need not, however, consider objections that are conclusive, general in nature or frivolous. *See Battle v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. Unit B 1982) (*en banc*) (overruled on other grounds); *Mosley v. Quarterman*, 306 F. App'x 40, 42 n. 2 (5th Cir. 2008).

Based on the pleadings, the record and the applicable law, the Court finds that Judge Froeschner's Report and Recommendation is well-grounded in law and in fact. Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

- (1) Judge Froeschner's Report and Recommendation is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Plaintiff's objections to Judge Froeschner's Report and Recommendation are **OVERRULED**;
- (3) the Commissioner's Motion for Summary Judgment (Dkt. 9, 10, 11) is **GRANTED**; and
- (4) Plaintiff's Motion for Summary Judgment is **DENIED** (Dkt. 7, 8);
- (5) and this action is hereby **DISMISSED**.

It is so **ORDERED**.

SIGNED at Galveston, Texas, this 15th day of July, 2016.



George C. Hanks Jr.
United States District Judge